



House of Representatives

General Assembly

File No. 381

February Session, 2018

House Bill No. 5510

House of Representatives, April 10, 2018

The Committee on Planning and Development reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE ZONING OF GROUP HOMES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2018*) No municipality shall
2 adopt or enforce any ordinance or regulation that prevents the location
3 of a community-based residential facility housing disabled persons or
4 persons recovering from substance abuse. For purposes of this section,
5 "community-based residential facility" includes, but is not limited to, a
6 transitional facility, group home, community companion home,
7 community living arrangement or a supervised apartment and
8 "municipality" means any town, city, borough, consolidated town and
9 city or consolidated town and borough.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2018</i>	New section
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PD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact resulting from the bill, which prohibits municipalities from creating zoning ordinances that prevent group homes that house the disabled or those recovering from substance abuse from opening.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5510*****AN ACT CONCERNING THE ZONING OF GROUP HOMES.*****SUMMARY**

This bill prohibits municipalities from adopting or enforcing regulations or ordinances preventing the location of “community-based residential facilities” for people who are disabled or recovering from substance abuse. In doing so, the bill appears to prevent municipalities from taking any type of action to prevent the location of such facilities, including for example, imposing zoning restrictions.

Existing law prohibits municipalities from treating people with disabilities differently than those without disabilities and requires them to make reasonable changes in zoning and other rules to provide equal housing opportunities to people with disabilities (see BACKGROUND).

Under the bill, “community-based residential facilities” include transitional facilities, group homes, community companion homes, community living arrangements, and supervised apartments. “Municipalities” are towns, cities, boroughs, consolidated towns and cities, and consolidated towns and boroughs.

EFFECTIVE DATE: October 1, 2018

BACKGROUND***Related State and Federal Laws***

Community-based residential facility siting restrictions may implicate numerous state and federal laws prohibiting discrimination against people with disabilities, including the state and federal constitution, the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the Rehabilitation Act of 1973. Additionally, state laws prohibit local zoning regulations from:

1. treating group residences housing (a) six or fewer adults with an intellectual disability, mental illness, or substance abuse disorder or (b) six or fewer children with mental or physical disabilities in any way that differs from a single-family residence (CGS § 8-3e) and
2. prohibiting any group residence in areas zoned for multifamily dwellings (CGS § 8-3g).

Generally, people with disabilities include people (1) with a mental illness, developmental disability, or physical impairment or (2) recovering from addiction to alcohol or an illegal drug.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 17 Nay 5 (03/26/2018)